

Amended 4-0-4
Final 6-1
RF

ORDINANCE 91-18

TO AMEND CHAPTER 6.12 OF THE BLOOMINGTON MUNICIPAL CODE
ENTITLED "SMOKING IN PUBLIC PLACES"

WHEREAS, it is the responsibility of the City to protect the health, well-being, and productivity of it's employees; and

WHEREAS, the United States Surgeon General's Report of 1986 concludes that: (1) involuntary smoking is a cause of disease, including lung cancer, in healthy nonsmokers; and, (2) the simple separation of smokers and nonsmokers within the same air space may reduce, but does not eliminate, the exposure of nonsmokers to unacceptable health risks; and

WHEREAS, a study of 2100 adults revealed impairment of pulmonary function in nonsmokers who were employed for at least 20 years in enclosed work areas where smoking was permitted and that the impairment was equivalent to that in persons who had smoked up to 10 cigarettes per day for at least 20 years (New England Journal of Medicine 1980, 302: 720-723; and

WHEREAS, several courts have recently held that an employer's common law duty to provide a safe work place includes a duty to provide a working environment reasonably free from tobacco smoke; and

WHEREAS, a November 1990 Monroe County Health Department indoor air quality analysis of a portion of the Municipal Building detected carbon dioxide (CO₂) in amounts exceeding 800 ppm (compared to 200 ppm generally found out-of-doors), a level high enough to generate CO₂ exposure symptoms in sensitive individuals and, identified cigarette smoke as a possible contributor to this contamination level; and

WHEREAS, smoking is potentially damaging to computers and other expensive electronic equipment and the pollution, surface film, and litter produced by smoking increases cleaning costs; and

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Section 6.12.010 Definitions of Chapter 6.12 of the Bloomington Municipal Code shall be amended to add the following:

(g) "Smoke" or "smoking" means the act of lighting, carrying, inhaling from, or leaving a lighted or smoldering cigar, cigarette, or pipe of any kind.

SECTION II. Section 6.12.020 Smoking Prohibited in Certain Public Places, shall be amended to add the following:

(i) All enclosed indoor areas owned, leased or operated by any branch of the City of Bloomington including Transit, Utilities, and all other departments of the city, but not including those enclosed areas that contain living quarters.

SECTION III. Section 6.12.030 Exceptions, shall be amended to substitute part (g) with the following:

(g) Property owned or leased by governmental entities other than the City of Bloomington as it is defined in Section 6.12.020 (i).

SECTION IV. Severability. If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.


SECTION V. This Ordinance shall be in full force and effect beginning January 1, 1992.

SECTION VI. The Council encourages the administration to use a phase-in team (or teams) comprised of employees and management that would set up temporary smoking areas, smoking cessation programs, and other strategies necessary to assure successful implementation of this policy.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 3rd day of April, 1991.


JOHN FERNANDEZ, President
Bloomington Common Council


ATTEST:


PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 9th day of April, 1991.


PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 9th day of April, 1991.


TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This Ordinance, sponsored by Councilmember Service, clarifies the definition of "smoking" and extends the prohibition of smoking to all enclosed indoor areas owned, leased or operated by the City and its various departments except those containing living quarters.

SIGNED COPIES: LEGAL, PAT CODE, DAN CODE, PERSONNEL, BMC FILE